

REMARKS/ARGUMENTS

Claims 1, 3-10, 12, 14-26, 28-35, 37, 38-51 and 53 are pending in the present application. Claim 17 has been amended herewith. Reconsideration of the claims is respectfully requested.

I. Notice of Non-Responsive Amendment

A Notice of Non-Responsive Amendment was received by Applicants, and such notice states that the reply filed on October 2, 2006 is not fully responsive to the prior Office Action because Applicants are alleged to have (1) not pointed out errors in the Examiner's action and (2) not shown how the claim language is patentably distinguishable from the cited reference.

(1) The Examiner alleges in the current Notice of Non-Responsive Amendment (dated 4/26/2007) that Applicants have not pointed out errors in the Examiner's action. Applicants urge that, to the contrary, they specifically pointed out such error on page 18 of the previously filed amendment/response, in that the Examiner failed to establish a prima facie showing of obviousness with respect to Claims 1-53, and therefore *the burden had not shifted to Applicants to rebut such (improper) obviousness assertion*. In any event, Applicants will again point out errors in the Examiner's action.

The Examiner has failed to properly establish a prima facie showing of obviousness with respect to Claims 1-53¹. In rejecting fifty-three (53) individual claims, including seven (7) independent claims, the Examiner summarily rejects all fifty-three (53) claims with a broad generalization that all of the claimed features are obvious in view of the cited reference using but a single page to provide reasoning for such claim rejection of all fifty-three (53) individual claims (see page 3 of the Office Action dated 9/27/2004) – without specifying/identifying such claimed features with any particularity such that a reasoned response could be properly prepared by Applicants. Such broad generalization of the claimed features of fifty-three (53) claims – including seven (7) independent claims – does not satisfy the legal requirements for establishing a prima facie showing of obviousness², including the requirements of 37 C.F.R. 1.104(c)(2) since this cited reference describes inventions other than that claimed by Applicants³. Accordingly, as a proper prima facie showing of obviousness has not been properly established by the

¹ To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03. *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).

² As but one example, the Examiner states in rejecting un-specified claims 'Other claimed elements are al (sic) obvious variations of the well known features of topological mapping based on object oriented systems'.

³ When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Examiner, the burden has not shifted to Applicants to rebut such improper obviousness assertion⁴. Thus, and for this reason alone, all of Claims 1-53 have been erroneously rejected⁵ under 35 U.S.C. § 103. Thus, Applicants have clearly shown error in the Examiner's rejection of Claims 1-53, as the rejection is improper.

(2) In the current Notice of Non-Responsive Amendment (dated 4/26/2007), the Examiner alleges that Applicants have not complied with 37 C.F.R. 1.111 by not showing how the claim language is patentably distinguishable from the cited reference. As shown above, because a proper *prima facie* showing of obviousness has not been established, the burden of proof has not shifted and Applicants are not required to rebut such improper obviousness assertion with specific claim limitation arguments, as the requirements of 37 C.F.R. 104(c)(2) have not been met by the Examiner. In any event, in order to expeditiously prosecute this Application, Applicants will now provide specific claim patentability arguments. However, Applicants are not conceding or otherwise waiving the erroneous rejection of Claims 1-53 as described above, including the *In re Fine*, *Id.* holding that all of Claims 1-53 have been erroneously rejected due to such failure to properly establish a *prima facie* showing of obviousness. Further, in the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). As Applicants have complied with the other statutory requirements, and a proper *prima facie* case of obviousness has not been established, Applicants are entitled to a patent for the pending claims in the present application.

Claims 1-53 stand rejected under 35 U.S.C. § 103 as being unpatentable over Grau et al., US Patent No. 5,910,803. This rejection is respectfully traversed.

With respect to Claim 1, it is urged that the single cited reference used in the present 35 U.S.C. § 103 does not teach or otherwise suggest the particular features associated with the claimed anchor objects. Claim 1 specifically recites "managing a set of anchor objects, wherein each anchor object has an anchorname which is a root name within a hierarchical naming space that represents a hierarchical logical network, wherein each anchorname is a unique name within the distributed data processing system, and wherein usage of an anchorname in combination with subnet information for a logical network supports

⁴ In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *Only if that burden is met*, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* (emphasis added by Applicants)

⁵ If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

unique addressing within a logical network” and “uniquely associating each anchor object in a set of anchor objects with a customer in a set of customers, wherein the distributed data processing system is managed on behalf of a plurality of customers”. The anchor object teaching provided by the cited Grau reference is found at col. 8, line 51 – page 9, line 59, where it states:

“In Step 706, the atlas creator processes the segments in the topology database by enumerating the segments and creating an AtlasNode object for each enumerated segment. In particular, the AtlasNode objects are added to the Segment list and each associated segment is classified (marked) as a WAN or LAN segment. Those segments classified as WAN segments are then anchored to the WAN map using an AtlasAnchor object created by the atlas creator; thereafter, the AtlasNode objects associated with those segments classified as LAN segments are placed on the LAN Object list for subsequent processing.

In Step 708, all routers in the database, along with their interfaces to various segments, are enumerated. Specifically, an AtlasNode object is created for each router and an AtlasLink object is created for each interface. If a router interfaces with one or more WAN segments, the router is anchored to the WAN map using an AtlasAnchor object. Furthermore, if the router interfaces with one or more LAN segments, its associated AtlasNode object is placed on the LAN Object List for additional processing.

In Step 710, the LAN Object list is examined to determine whether the list has any remaining objects. If the LAN Object list is not empty, then the atlas creator removes a first AtlasNode object from the list in Step 712 and examines this object for associated AtlasLink objects in Step 714. If the object has no associated AtlasLink objects, the AtlasNode object is anchored to the Island map in Step 716 using an AtlasAnchor object.

If the AtlasNode object does, in fact, have associated AtlasLink objects, the atlas creator creates an AtlasPage object for a new LAN-connected area map in Step 718 and, in Step 720, it further conducts a "breadth-first" search of linked AtlasNode objects to construct a LAN-area map containing all AtlasNode objects in the same LAN-connected portion of the network.

For this latter step, each AtlasNode object removed from the LAN Object list is examined to identify all such objects in the same LAN area. This is preferably performed by following each AtlasLink object from one AtlasNode object to an adjacent AtlasNode object, recursing through all adjacent node objects classified as LAN objects. To facilitate this search, the LAN Area list is used as a queue for traversing the connected graphs. Each adjacent AtlasNode object classified as a LAN object is removed from the LAN Object list and anchored, using an AtlasAnchor object, to the new AtlasPage object. Adjacent AtlasNode objects that are classified as WAN objects are also anchored to the new AtlasPage object using an AtlasAnchor object.

Returning to Step 710, if the LAN Object list is empty (signifying that all of LAN-connected area maps are created) the atlas creator creates map cross-references in Step 722; this is generally achieved by anchoring adjacent LAN-connect area maps to each other using AtlasAnchor objects. LAN-connected area maps are considered adjacent when a single WAN segment is anchored to two LAN-connected area maps. Here, the Segment list is enumerated and WAN segments are identified. For each identified WAN segment that is anchored to two separate LAN area maps, the AtlasNode objects representing the LAN area maps are anchored to each other using AtlasAnchor objects.

In Step 724, the atlas creator creates AtlasLinkReference objects to identify links between map cross-references and other nodes on the same page. Specifically, the AtlasLinkReference objects identify those AtlasLink objects that should be depicted on a particular map. This step is preferably performed by enumerating all AtlasLink objects and identifying the AtlasNode objects at the ends of the links. All maps that each node is anchored to are identified as dependent pages. An AtlasLinkReference object is created for each occurrence of a dependent page having an anchor to the same page as a node adjacent to the node on the dependent page. The AtlasLinkReference object establishes an associating link between the dependent page and the adjacent node, and their AtlasPage objects anchored thereto.”

As can be seen, this passage does not teach or otherwise suggest the claimed feature of “wherein each anchor object has an anchorname which is a root name within a hierarchical naming space that represents a hierarchical logical network, wherein each anchorname is a unique name within the distributed data processing system, and wherein usage of an anchorname in combination with subnet information for a

logical network supports unique addressing within a logical network”. As can be further seen, this passage also does not teach or otherwise suggest the claimed feature of “uniquely associating each anchor object in a set of anchor objects with a customer in a set of customers, wherein the distributed data processing system is managed on behalf of a plurality of customers”. Quite simply, the cited reference is not concerned with any particular customer-specific aspects of their topology display, instead seeking to provide an all encompassing topology that provides an integrated directory of all atlas maps regardless of where they may reside in the network (col. 12, lines 25-27). Thus, the cited reference does not teach or suggest, nor would a person of ordinary skill in the art would have been motivated to modify such teachings in accordance with, the claimed anchor object customer association. Thus, it is urged that Claim1 is not obvious in view of the cited reference.

Applicants initially traverse the rejection of Claims 2-19 for reasons given above with respect to Claim 1 (of which Claims 2-19 depend upon).

Further with respect to Claim 17, it is urged that the cited reference does not teach or suggest the claimed feature of “allowing an administrative user to select a display view of the topology map, wherein the display view of the topology map comprises a hierarchical tree view of all objects discovered by a user-specified distributed discovery controller”. For example, the cited reference does not teach or suggest any type of user-specified distributed discovery controller. Instead, the cited reference teaches a conventional network discovery component 202 is provided for automatically discovering the topology of network segments using a variety of LAN, WAN and protocol technologies (col. 4, lines 20-23). Thus, it is further urged that Claim 17 is not obvious in view of the cited reference.

Further with respect to Claim 18, it is urged that the cited reference does not teach or suggest the claimed features of “representing the distributed data processing system as a set of scopes, wherein a scope comprises a logical organization of network-related objects”, “associating each scope with a customer, wherein each scope is uniquely assigned to a management customer”, or “managing the distributed data processing system as a set of logical networks, wherein a logical network comprises a set of scopes, and wherein each logical network is uniquely assigned to a customer”. For similar reasons to those give above with respect to Claim 1, the cited reference is not concerned with any particular customer-specific aspects of their topology display, instead seeking to provide an all encompassing topology that provides an integrated directory of all atlas maps regardless of where they may reside in the network (col. 12, lines 25-27). Thus, it is further urged that Claim 18 is not obvious in view of the cited reference.

Further with respect to Claim 19, it is urged that the cited reference does not teach or suggest the claimed feature of “logically organizing the endpoint objects, system objects, and network objects within a set of scopes, wherein each endpoint object, each system object, and each network object is uniquely

assigned to a scope such that scopes do not logically overlap”. For example, the cited reference does not contemplate any overlap avoidance capability. Thus, it is further urged that Claim 19 is not obvious in view of the cited reference.

With respect to Claim 20, such claim recites “managing a set of anchor objects, wherein each anchor object has an anchorname which is a root name within a hierarchical naming space that represents a hierarchical logical network, wherein each anchorname is a unique name within the distributed data processing system, and wherein usage of an anchorname in combination with subnet information for a logical network supports unique addressing within a logical network”, “uniquely associating each anchor object in a set of anchor objects with a customer in a set of customers, wherein the distributed data processing system is managed on behalf of a plurality of customers”, “creating a customer-defined topology”, and “associating the customer-defined topology with a topology derived from a physical network to form a combined topology map”. The cited reference is not concerned with any particular customer-specific aspects of their topology display, instead seeking to provide an all encompassing topology that provides an integrated directory of all atlas maps regardless of where they may reside in the network (col. 12, lines 25-27). Thus, the cited reference does not teach or suggest, nor would a person of ordinary skill in the art would have been motivated to modify such teachings in accordance with, the claimed anchor object customer association as provided per the features of Claim 20. Thus, it is urged that Claim 20 is not obvious in view of the cited reference.

Applicants traverse the rejection of Claim 21 for reasons given above with respect to Claim 20 (of which Claim 21 depends upon).

With respect to Claim 22, such claim recites “associating each scope with an anchor object, wherein an anchor object is uniquely assigned to a management customer” and “managing a set of anchor objects, wherein each anchor object has an anchorname which is a root name within a hierarchical naming space that represents a hierarchical logical network, wherein each anchorname is a unique name within the distributed data processing system, and wherein usage of an anchorname in combination with subnet information for a logical network supports unique addressing within a logical network”. The cited reference does not teach or otherwise suggest anchor objects having the above claimed features, and thus it is urged that Claim 22 is not obvious in view of the cited reference.

Applicants initially traverse the rejection of Claims 23-25 for reasons given above with respect to Claim 22 (of which Claims 23-25 depend upon).

Further with respect to Claim 23, such claim recites “wherein a display view of the topology map comprises a hierarchical tree view of all objects discovered by a user-specified distributed discovery controller”. It is urged that the cited reference does not teach or suggest a user-specified distributed discovery controller that discovers objects. Instead, the cited reference teaches a conventional network

discovery component 202 is provided for automatically discovering the topology of network segments using a variety of LAN, WAN and protocol technologies (col. 4, lines 20-23). Thus, it is further urged that Claim 23 is not obvious in view of the cited reference.

Further with respect to Claim 24, such claim recites "wherein a display view of the topology map comprises a hierarchical tree view of all objects discovered by a plurality of distributed discovery controllers". It is urged that the cited reference does not teach or suggest a plurality of distributed discovery controller that discovers objects. Instead, the cited reference teaches a conventional network discovery component 202 is provided for automatically discovering the topology of network segments using a variety of LAN, WAN and protocol technologies (col. 4, lines 20-23). Thus, it is further urged that Claim 23 is not obvious in view of the cited reference.

Further with respect to Claim 25, such claim recites "wherein a display view of the topology map comprises a hierarchical tree view of all objects discovered by all distributed discovery controllers for which a user has authorized access". It is urged that the cited reference does not teach or suggest distributed discovery controller that discovers objects for which a user has authorized access. Instead, the cited reference teaches a conventional network discovery component 202 is provided for automatically discovering the topology of network segments using a variety of LAN, WAN and protocol technologies (col. 4, lines 20-23). Thus, it is further urged that Claim 23 is not obvious in view of the cited reference.

Applicants traverse the rejection of Claims 26-44 for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claim 42 for similar reasons to the further reasons given above with respect to Claim 17.

Applicants further traverse the rejection of Claim 43 for similar reasons to the further reasons given above with respect to Claim 18.

Applicants further traverse the rejection of Claim 44 for similar reasons to the further reasons given above with respect to Claim 19.

Applicants traverse the rejection of Claims 45 and 46 for similar reasons to those given above with respect to Claim 20.

Applicants traverse the rejection of Claims 47-50 for similar reasons to those given above with respect to Claim 22.

Applicants further traverse the rejection of Claim 48 for similar reasons to the further reasons given above with respect to Claim 23.

Applicants further traverse the rejection of Claim 49 for similar reasons to the further reasons given above with respect to Claim 24.

Applicants further traverse the rejection of Claim 50 for similar reasons to the further reasons given above with respect to Claim 25.

Applicants traverse the rejection of Claims 51-53 for similar reasons to those given above with respect to Claim 1.

Applicants further traverse the rejection of Claim 53 for similar reasons to the further reasons given above with respect to Claim 17.

Therefore, the rejection of Claims 1-53 under 35 U.S.C. § 103 has been overcome.

II. Conclusion

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 23, 2007

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,143	06/29/2001	Jason Benfield	AUS920010376US1	8313
35525 7590 04/26/2007 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

CLIENT DOCKET INFORMATION
Client Name: ALPACARD 16.051
File No.: 05.25.07
DATE: 05.25.07 ACTION DOCKETED: Response to Notice
Denial-Responsive
Amendment
Docketed By: 1119 Date: 05.01.07
Checked By: aw Date: 5/2
Attorney Initials: 5



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20070425

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The response filed on 10/2/2006 is not responsive to the previous office action for the reasons pointed out on the following page.

Notice of Non-Responsive Amendment

1. The reply filed on 10/2/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The applicant's remarks do not specifically address any claim limitations. The remarks are literally generic enough to apply to any rejection based on 35 USC section 103. A general allegation that the claims define patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of section (b) of 37 CFR 1.111. The applicant has not "distinctly and specifically pointed out the supposed errors in the examiner's action" nor has the applicant "shown how the language of the claims patentably distinguishes them from the references". See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

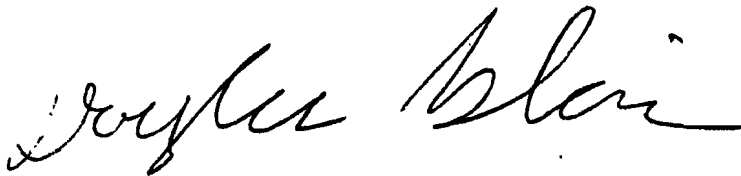
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

A handwritten signature in cursive script that reads "Douglas Blair". The signature is written in dark ink and is positioned below the printed name.